

## Message Text

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ACTION EB-03

INFO OCT-01 SS-14 ISO-00 EUR-08 PM-03 INR-05 CIAE-00

DODE-00 L-01 OES-02 RSC-01 MC-01 /039 W

----- 115452

P R 311841Z JAN 75

FM AMEMBASSY LONDON

TO SECSTATE WASHDC PRIORITY 7842

INFO AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 01 OF 02 LONDON 01589

LIMDIS

E.O. 11652: GDS

TAGS: EAIR, SENV, UK, FR

SUBJ: CIVAIR - CONCORDE

REF: STATE 12319

1. KEN BINNING, DIRECTOR GENERAL FOR CONCORDE, INVITED EMBOFF IN JAN 31 FOR BRIEFING ON CURRENT STATE OF PLAY FOLLOWING JAN 23-24 DISCUSSIONS BETWEEN BRITISH/FRENCH AND US AGENCIES (PRIMARILY DOT AND FAA) REGARDING CONCORDE FLIGHTS TO US. IN THE BRIEFING, HOWEVER, IT QUICKLY BECAME CLEAR THAT BINNING HAD SOUGHT MEETING ALSO TO EXPRESS TO US HIS DISSATISFACTION WITH WHAT HE CONSIDERED TO BE A NEW CONDITION WHICH FAA PROPOSING TO ADD TO ARRANGEMENTS WORKED OUT AND TENTATIVELY AGREED TO IN WASHINGTON, I.E. THAT CARRIERS IN APPLYING TO FAA FOR APPROVAL OF CONCORDE OPERATING SPECIFICATIONS, SEEK AN APPROVAL VALID FOR ONE YEAR ONLY. BINNING SAID FAA EXPLAINED IT ADDING THIS CONDITION BECAUSE OF UNCERTAINTIES RELATING TO NPRM ON SST NOISE.

2. BINNING ARGUED THAT DOT AND FAA WERE AWARE OF THESE UNCERTAINTIES AT TIME OF WASHINGTON TALKS AND SHOULD HAVE RAISED THIS PROBLEM AT TIME ARRANGEMENTS UNDER DISCUSSION RATHER THAN LATER. ALTHOUGH UK AND FRANCE HAVE TAKEN LEGAL POSITION THAT THEY ARE ENTITLED OPERATE CON-

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CORDE TO US UNDER TERMS OF CHICAGO CONVENTION AND BILAT-

ERAL AIR SERVICES AGREEMENTS, BINNING SAID IN WASHINGTON THEY HAD AGREED TO NUMBER OF "SELF-IMPOSED LIMITATIONS" IN ORDER TO BE RESPONSIVE TO WHAT THEY RECOGNIZE AS POLITICALLY SENSITIVE PROBLEM. HOWEVER, "SELF-IMPOSED LIMITATION" NOW SUGGESTED BY FAA FAR MORE EXTREME THAN ANYTHING DISCUSSED IN WASHINGTON. FURTHERMORE BINNING SAID, LIMITATION PROPOSED IS DESIGNED TO DEAL WITH WHAT IS STILL A HYPOTHETICAL PROBLEM, I.E., STRONG ENVIRONMENTALIST PRESSURE ON SST NOISE RULE. BINNING SAID BRITISH REGARD NEW CONDITION AS UNACCEPTABLE.

3. BINNING WAS CAREFUL TO POINT OUT THAT BRITISH FULLY APPRECIATE POLITICAL REALITIES OF CURRENT SITUATION AND THEY RECOGNIZE THAT AS ENVIRONMENTAL IMPACT STATEMENT AND SST NOISE RULE MOVE THROUGH COMPLICATED PROCEDURAL PROCESSES, DEVELOPMENTS MAY REPEAT MAY THREATEN TO TAKE CONTROL OF SITUATION FROM HANDS OF EXECUTIVE BRANCH. IF THIS SITUATION EVOLVES, BRITISH WOULD BE WILLING TO DISCUSS NEW CONDITIONS TO RESCUE SITUATION BUT THEY WANT TO WAIT TO SEE WHETHER THESE FEARS ARE REAL RATHER THAN ACCEPT A CONDITION WHICH PRESUMES A SITUATION THAT MAY NOT DEVELOP.

4. BINNING SAID HE SOMEWHAT EMBARRASSED BECAUSE HE HAD PERSONALLY BRIEFED PRIME MINISTER WILSON ABOUT CONCORDE ISSUE FOR WILSON'S US VISIT ON BASIS OF ARRANGEMENTS BINNING THOUGHT HAD BEEN AGREED UPON IN WASHINGTON BUT THIS SITUATION HAD CHANGED DRAMATICALLY IN LIGHT OF NEW CONDITION WHICH FAA NOW PROPOSING. HE SAID HE DID NOT

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DODE-00 L-01 OES-02 MC-01 RSC-01 /039 W

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P R 311841Z JAN 75

FM AMEMBASSY LONDON

TO SECSTATE WASHDC PRIORITY 7843

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C O N F I D E N T I A L SECTION 02 OF 02 LONDON 01589

LIMDIS

KNOW WHETHER WILSON WOULD BE ABLE TO REACT TO NEW SITUATION DURING HIS WASHINGTON VISIT BUT BINNING FULLY EXPECTED ENVIRONMENT SECRETARY CROSSLAND TO RAISE ISSUE WHEN HE VISITS WASHINGTON NEXT WEEK. HE PREDICTED USG CAN EXPECT CONSIDERABLE POLITICAL GRUMBLING FROM UK UNTIL CONCORDE ISSUE SATISFACTORILY RESOLVED.

5. COMMENT: BINNING, WHO HAS HAD NOTHING BUT HIGHEST PRAISE FOR FAIRNESS OF US OFFICIALS WITH WHOM HE HAS DEALT ON CONCORDE MATTER, WAS CLEARLY THROWN OFF STRIDE BY FAA PROPOSAL TO LIMIT VALIDITY OF OPERATING APPROVAL TO ONE YEAR. THIS NEW CONDITION, DIFFICULT ENOUGH IN ITSELF TO ACCEPT, IS MADE EVEN MORE DIFFICULT BY ITS AWKWARD TIMING. NEVERTHELESS, WE UNDERSTOOD BINNING TO BE SAYING NOT THAT UK WOULD REFUSE TO ACCEPT A LIMITED VALIDITY FOR OPERATING APPROVAL BUT RATHER THAT UK COULD CONSIDER SUCH A LIMITATION ONLY IF ACTUAL (AS OPPOSED TO HYPOTHETICAL) CIRCUMSTANCES PROVE THAT IT IS NECESSARY. THIS STRIKES US AS A FAIRLY REASONABLE POSITION AND WE WOULD HOPE US AGENCIES MIGHT TAKE ANOTHER LOOK AT OVERALL SITUATION TO SEE IF THIS MIGHT NOT BE AN ACCEPTABLE COMPROMISE.

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## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AIRCRAFT NOISE, ENVIRONMENT, CIVIL AVIATION, AVIATION AGREEMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 31 JAN 1975  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** buchantr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975LONDON01589  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750036-1051  
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**Handling Restrictions:** n/a  
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**Line Count:** 144  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EB  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** LIMDIS  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** LIMDIS  
**Reference:** 75 STATE 12319  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** buchantr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 19 MAY 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <19 MAY 2003 by BoyleJA>; APPROVED <30 SEP 2003 by buchantr>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CIVAIR - CONCORDE  
**TAGS:** EAIR, SENV, UK, FR  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006